

Section 2714 of the Public Health Service Act, referred to in subsec. (b)(5), is classified to section 300gg-14 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE AND REGULATIONS

Pub. L. 111-383, div. A, title VII, § 702(b), Jan. 7, 2011, 124 Stat. 4245, provided that: “The amendments made by this section [enacting this section] shall take effect on January 1, 2011. The Secretary of Defense shall prescribe an interim final rule with respect to such amendments, effective not later than January 1, 2011.”

CHAPTER 56—DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND

Sec.

- 1111. Establishment and purpose of Fund; definitions; authority to enter into agreements.
- 1112. Assets of Fund.
- 1113. Payments from the Fund.
- 1114. Board of Actuaries.
- 1115. Determination of contributions to the Fund.
- 1116. Payments into the Fund.
- 1117. Investment of assets of Fund.

AMENDMENTS

2001—Pub. L. 107-107, div. A, title VII, § 711(e)(3), Dec. 28, 2001, 115 Stat. 1167, inserted “; authority to enter into agreements” after “definitions” in item 1111.

§ 1111. Establishment and purpose of Fund; definitions; authority to enter into agreements

(a) There is established on the books of the Treasury a fund to be known as the Department of Defense Medicare-Eligible Retiree Health Care Fund (hereinafter in this chapter referred to as the “Fund”), which shall be administered by the Secretary of the Treasury. The Fund shall be used for the accumulation of funds in order to finance on an actuarially sound basis liabilities of the uniformed services under uniformed services retiree health care programs for medicare-eligible beneficiaries.

(b) In this chapter:

(1) The term “uniformed services retiree health care programs” means the provisions of this title or any other provision of law creating an entitlement to or eligibility for health care for a member or former member of a participating uniformed service who is entitled to retired or retainer pay, and an eligible dependent under such program.

(2) The term “eligible dependent” means a dependent described in section 1076(a)(2) (other than a dependent of a member on active duty), 1076(b), 1086(c)(2), or 1086(c)(3) of this title.

(3) The term “medicare-eligible”, with respect to any person, means entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).

(4) The term “participating uniformed service” means the Army, Navy, Air Force, and Marine Corps, and any other uniformed service that is covered by an agreement entered into under subsection (c).

(5) The term “members of the uniformed services on active duty” does not include a cadet at the United States Military Academy, the United States Air Force Academy, or the Coast Guard Academy or a midshipman at the United States Naval Academy.

(c) The Secretary of Defense shall enter into an agreement with each other administering

Secretary (as defined in section 1072(3) of this title) for participation in the Fund by a uniformed service under the jurisdiction of that Secretary. The agreement shall require that Secretary to determine contributions to the Fund on behalf of the members of the uniformed service under the jurisdiction of that Secretary in a manner comparable to the determination with respect to contributions to the Fund made by the Secretary of Defense under section 1115(b) of this title, and such contributions shall be paid into the Fund as provided in section 1116(a).

(Added Pub. L. 106-398, § 1 [[div. A], title VII, § 713(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-179; amended Pub. L. 107-107, div. A, title VII, § 711(a), (b)(1), (e)(1), (2), title X, § 1048(a)(12), Dec. 28, 2001, 115 Stat. 1164-1166, 1223; Pub. L. 107-314, div. A, title VII, § 704(b), Dec. 2, 2002, 116 Stat. 2584; Pub. L. 108-375, div. A, title VII, § 725(c)(1), Oct. 28, 2004, 118 Stat. 1992; Pub. L. 109-364, div. A, title V, § 592(a), Oct. 17, 2006, 120 Stat. 2233.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (b)(3), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Part A of title XVIII of the Act is classified generally to part A (§ 1395c et seq.) of subchapter XVIII of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-364, § 592(a)(1), substituted “of the uniformed services” for “of the Department of Defense”.

Subsec. (b)(5). Pub. L. 109-364, § 592(a)(2), added par. (5).

2004—Subsec. (c). Pub. L. 108-375 substituted “1115(b) of this title, and such contributions shall be paid into the Fund as provided in section 1116(a)” for “1116 of this title, and such administering Secretary may make such contributions”.

2002—Subsec. (c). Pub. L. 107-314 substituted “shall enter into an agreement with each other administering Secretary” for “may enter into an agreement with any other administering Secretary” in first sentence and “The” for “Any such” in second sentence.

2001—Pub. L. 107-107, § 711(e)(2), inserted “; authority to enter into agreements” after “definitions” in section catchline.

Subsec. (a). Pub. L. 107-107, § 1048(a)(12), substituted “hereinafter” for “hereafter”.

Pub. L. 107-107, § 711(e)(1), substituted “uniformed services retiree health care programs” for “Department of Defense retiree health care programs”.

Subsec. (b). Pub. L. 107-107, § 711(a), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “In this chapter:

“(1) The term ‘Department of Defense retiree health care programs for medicare-eligible beneficiaries’ means the provisions of this title or any other provision of law creating entitlement to health care for a medicare-eligible member or former member of the uniformed services entitled to retired or retainer pay, or a medicare-eligible dependent of a member or former member of the uniformed services entitled to retired or retainer pay.

“(2) The term ‘medicare-eligible’ means entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).

“(3) The term ‘dependent’ means a dependent (as such term is defined in section 1072 of this title) described in section 1076(b)(1) of this title.”

Subsec. (c). Pub. L. 107-107, § 711(b)(1), added subsec. (c).

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-364, div. A, title V, § 592(c), Oct. 17, 2006, 120 Stat. 2234, provided that: “The amendments made

by this section [amending this section and section 1115 of this title] shall take effect with respect to payments under chapter 56 of title 10, United States Code, beginning with fiscal year 2008.”

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-375, div. A, title VII, §725(d), Oct. 28, 2004, 118 Stat. 1992, provided that: “The amendments made by this section [amending this section and sections 1115 and 1116 of this title] shall take effect on October 1, 2005.”

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-107, div. A, title VII, §711(f), Dec. 28, 2001, 115 Stat. 1167, provided that: “The amendments made by this section [amending this section and sections 1112, 1113, 1115, and 1116 of this title] shall take effect as if included in the enactment of chapter 56 of title 10, United States Code, by section 713(a)(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-179).”

PAYMENT OF CONTRIBUTIONS FOR THE UNIFORMED SERVICE OF THE PUBLIC HEALTH SERVICE

Pub. L. 108-7, div. F, title II, Feb. 20, 2003, 117 Stat. 261, provided in part: “That notwithstanding any other provision of law, contributions authorized by 10 U.S.C. 1111 for the Uniformed Service of the Public Health Service shall be paid in fiscal year 2003 and thereafter from the Department of Health and Human Services’ Retirement Pay and Medical Benefits for Commissioned Officers account without charges billed to the Indian Health Service”.

§ 1112. Assets of Fund

There shall be deposited into the Fund the following, which shall constitute the assets of the Fund:

- (1) Amounts paid into the Fund under section 1116 of this title.
- (2) Any amount appropriated to the Fund.
- (3) Any return on investment of the assets of the Fund.
- (4) Amounts paid into the Fund pursuant to section 1111(c) of this title.

(Added Pub. L. 106-398, §1 [[div. A], title VII, §713(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-180; amended Pub. L. 107-107, div. A, title VII, §711(b)(2), Dec. 28, 2001, 115 Stat. 1165.)

AMENDMENTS

2001—Par. (4). Pub. L. 107-107 added par. (4).

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107-107 effective as if included in the enactment of this chapter by Pub. L. 106-398, see section 711(f) of Pub. L. 107-107, set out as a note under section 1111 of this title.

§ 1113. Payments from the Fund

(a) There shall be paid from the Fund amounts payable for the costs of all uniformed service retiree health care programs for the benefit of members or former members of a participating uniformed service who are entitled to retired or retainer pay and are medicare eligible, and eligible dependents who are medicare eligible.

(b) The assets of the Fund are hereby made available for payments under subsection (a).

(c)(1) In carrying out subsection (a), the Secretary of Defense may transfer periodically from the Fund to applicable appropriations of the Department of Defense, or to applicable appropri-

tions of other departments or agencies, such amounts as the Secretary determines necessary to cover the costs chargeable to those appropriations for uniformed service retiree health care programs for beneficiaries under those programs who are medicare-eligible. Such transfers may include amounts necessary for the administration of such programs. Amounts so transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred. Upon a determination that all or part of the funds transferred from the Fund are not necessary for the purposes for which transferred, such amounts may be transferred back to the Fund. This transfer authority is in addition to any other transfer authority that may be available to the Secretary.

(2) A transfer from the Fund under paragraph (1) may not be made to an appropriation after the end of the second fiscal year after the fiscal year that the appropriation is available for obligation. A transfer back to the Fund under paragraph (1) may not be made after the end of the second fiscal year after the fiscal year for which the appropriation to which the funds were originally transferred is available for obligation.

(d) The Secretary of Defense shall by regulation establish the method or methods for calculating amounts to be transferred under subsection (c). Such method or methods may be based (in whole or in part) on a proportionate share of the volume (measured as the Secretary determines appropriate) of health care services provided or paid for under uniformed service retiree health care programs for beneficiaries under those programs who are medicare-eligible in relation to the total volume of health care services provided or paid for under Department of Defense health care programs.

(e) The regulations prescribed by the Secretary under subsection (d) shall be provided to the Comptroller General not less than 60 days before such regulations become effective. The Comptroller General shall, not later than 30 days after receiving such regulations, report to the Secretary of Defense and Congress on the adequacy and appropriateness of the regulations.

(f) If the Secretary of Defense enters into an agreement with another administering Secretary pursuant to section 1111(c), the Secretary of Defense may take the actions described in subsections (c), (d), and (e) on behalf of the beneficiaries and programs of the other participating uniformed service.

(Added Pub. L. 106-398, §1 [[div. A], title VII, §713(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-180; amended Pub. L. 107-107, div. A, title VII, §711(c), Dec. 28, 2001, 115 Stat. 1165.)

AMENDMENTS

2001—Subsec. (a). Pub. L. 107-107, §711(c)(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “There shall be paid from the Fund amounts payable for Department of Defense retiree health care programs for medicare-eligible beneficiaries.”

Subsecs. (c) to (f). Pub. L. 107-107, §711(c)(2), added subsecs. (c) to (f).

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107–107 effective as if included in the enactment of this chapter by Pub. L. 106–398, see section 711(f) of Pub. L. 107–107, set out as a note under section 1111 of this title.

EFFECTIVE DATE

Pub. L. 106–398, § 1 [[div. A], title VII, § 713(b)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–184, provided that: “Sections 1113 and 1116 of title 10, United States Code (as added by subsection (a)), shall take effect on October 1, 2002.”

§ 1114. Board of Actuaries

(a)(1) There is established in the Department of Defense a Department of Defense Medicare-Eligible Retiree Health Care Board of Actuaries (hereinafter in this chapter referred to as the “Board”). The Board shall consist of three members who shall be appointed by the Secretary of Defense from among qualified professional actuaries who are members of the Society of Actuaries.

(2)(A) Except as provided in subparagraph (B), the members of the Board shall serve for a term of 15 years, except that a member of the Board appointed to fill a vacancy occurring before the end of the term for which his predecessor was appointed shall only serve until the end of such term. A member may serve after the end of his term until his successor has taken office. A member of the Board may be removed by the Secretary of Defense for misconduct or failure to perform functions vested in the Board, and for no other reason.

(B) Of the members of the Board who are first appointed under this paragraph, one each shall be appointed for terms ending five, ten, and 15 years, respectively, after the date of appointment, as designated by the Secretary of Defense at the time of appointment.

(3) A member of the Board who is not otherwise an employee of the United States is entitled to receive pay at the daily equivalent of the annual rate of basic pay of the highest rate of basic pay under the General Schedule of subchapter III of chapter 53 of title 5, for each day the member is engaged in the performance of duties vested in the Board, and is entitled to travel expenses, including a per diem allowance, in accordance with section 5703 of title 5.

(b) The Board shall report to the Secretary of Defense annually on the actuarial status of the Fund and shall furnish its advice and opinion on matters referred to it by the Secretary.

(c) The Board shall review valuations of the Fund under section 1115(c) of this title and shall report periodically, not less than once every four years, to the President and Congress on the status of the Fund. The Board shall include in such reports recommendations for such changes as in the Board’s judgment are necessary to protect the public interest and maintain the Fund on a sound actuarial basis.

(Added Pub. L. 106–398, § 1 [[div. A], title VII, § 713(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–180; amended Pub. L. 107–107, div. A, title X, § 1048(a)(12), Dec. 28, 2001, 115 Stat. 1223.)

AMENDMENTS

2001—Subsec. (a)(1). Pub. L. 107–107 substituted “hereinafter” for “hereafter”.

§ 1115. Determination of contributions to the Fund

(a) The Board shall determine the amount that is the present value (as of October 1, 2002) of future benefits payable from the Fund that are attributable to service in the participating uniformed services performed before October 1, 2002. That amount is the original unfunded liability of the Fund. The Board shall determine the period of time over which the original unfunded liability should be liquidated and shall determine an amortization schedule for the liquidation of such liability over that period. Contributions to the Fund for the liquidation of the original unfunded liability in accordance with such schedule shall be made as provided in section 1116 of this title.

(b) The Secretary of Defense shall determine, before the beginning of each fiscal year after September 30, 2005, the total amount of the Department of Defense contribution to be made to the Fund for that fiscal year for purposes of section 1116(b)(2). That amount shall be the sum of the following:

(1) The product of—

(A) the current estimate of the value of the single level dollar amount to be determined under subsection (c)(1)(A) at the time of the next actuarial valuation under subsection (c); and

(B) the expected average force strength during that fiscal year for members of the uniformed services under the jurisdiction of the Secretary of Defense on active duty and full-time National Guard duty, but excluding any member who would be excluded for active-duty end strength purposes by section 115(i) of this title.

(2) The product of—

(A) the current estimate of the value of the single level dollar amount to be determined under subsection (c)(1)(B) at the time of the next actuarial valuation under subsection (c); and

(B) the expected average force strength during that fiscal year for members of the Selected Reserve of the uniformed services under the jurisdiction of the Secretary of Defense who are not otherwise described in paragraph (1)(B).

(c)(1) Not less often than every four years, the Secretary of Defense shall carry out an actuarial valuation of the Fund. Each such actuarial valuation shall include—

(A) a determination (using the aggregate entry-age normal cost method) of a single level dollar amount for members of the participating uniformed services on active duty and full-time National Guard duty, but excluding any member who would be excluded for active-duty end strength purposes by section 115(i) of this title; and

(B) a determination (using the aggregate entry-age normal cost method) of a single level dollar amount for members of the Selected Reserve of the participating uniformed services who are not otherwise described by subparagraph (A).

Such single level dollar amounts shall be used for the purposes of subsection (b). The Secretary

of Defense may determine a separate single level dollar amount under subparagraph (A) or (B) for any participating uniformed service, if, in the judgment of the Secretary, such a determination would produce a more accurate and appropriate actuarial valuation for that uniformed service.

(2) If at the time of any such valuation there has been a change in benefits under the uniformed services retiree health care programs for medicare-eligible beneficiaries that has been made since the last such valuation and such change in benefits increases or decreases the present value of amounts payable from the Fund, the Secretary of Defense shall determine an amortization methodology and schedule for the amortization of the cumulative unfunded liability (or actuarial gain to the Fund) created by such change and any previous such changes so that the present value of the sum of the amortization payments (or reductions in payments that would otherwise be made) equals the cumulative increase (or decrease) in the present value of such amounts.

(3) If at the time of any such valuation the Secretary of Defense determines that, based upon changes in actuarial assumptions since the last valuation, there has been an actuarial gain or loss to the Fund, the Secretary shall determine an amortization methodology and schedule for the amortization of the cumulative gain or loss to the Fund created by such change in assumptions and any previous such changes in assumptions through an increase or decrease in the payments that would otherwise be made to the Fund.

(4) If at the time of any such valuation the Secretary of Defense determines that, based upon the Fund's actuarial experience (other than resulting from changes in benefits or actuarial assumptions) since the last valuation, there has been an actuarial gain or loss to the Fund, the Secretary shall determine an amortization methodology and schedule for the amortization of the cumulative gain or loss to the Fund created by such actuarial experience and any previous actuarial experience through an increase or decrease in the payments that would otherwise be made to the Fund.

(5) Contributions to the Fund in accordance with amortization schedules under paragraphs (2), (3), and (4) shall be made as provided in section 1116 of this title.

(d) All determinations under this section shall be made using methods and assumptions approved by the Board of Actuaries (including assumptions of interest rates and medical inflation) and in accordance with generally accepted actuarial principles and practices.

(e) The Secretary of Defense shall provide for the keeping of such records as are necessary for determining the actuarial status of the Fund.

(Added Pub. L. 106-398, §1 [[div. A], title VII, §713(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-181; amended Pub. L. 107-107, div. A, title VII, §711(b)(3), (e)(1), Dec. 28, 2001, 115 Stat. 1165, 1166; Pub. L. 108-136, div. A, title VII, §722(a), (c), title X, §1045(a)(3), Nov. 24, 2003, 117 Stat. 1532, 1612; Pub. L. 108-375, div. A, title VII, §725(c)(2)-(5), Oct. 28, 2004, 118 Stat. 1992; Pub. L. 109-364, div. A, title V, §592(b), Oct. 17, 2006, 120 Stat. 2233.)

AMENDMENTS

2006—Subsec. (b)(1)(B). Pub. L. 109-364, §592(b)(1)(A), substituted “on active duty and full-time National Guard duty, but excluding any member who would be excluded for active-duty end strength purposes by section 115(i) of this title” for “on active duty (other than active duty for training) and full-time National Guard duty (other than full-time National Guard duty for training only)”.

Subsec. (b)(2)(B). Pub. L. 109-364, §592(b)(1)(B), substituted “Selected Reserve” for “Ready Reserve” and struck out “(other than members on full-time National Guard duty other than for training)” after “Secretary of Defense”.

Subsec. (c)(1)(A). Pub. L. 109-364, §592(b)(2)(A), substituted “on active duty and full-time National Guard duty, but excluding any member who would be excluded for active-duty end strength purposes by section 115(i) of this title” for “on active duty (other than active duty for training) or full-time National Guard duty (other than full-time National Guard duty for training only)”.

Subsec. (c)(1)(B). Pub. L. 109-364, §592(b)(2)(B), substituted “Selected Reserve” for “Ready Reserve” and struck out “(other than members on full-time National Guard duty other than for training)” after “uniformed services”.

2004—Subsec. (a). Pub. L. 108-375, §725(c)(2), substituted “1116” for “1116(c)”.

Subsec. (b). Pub. L. 108-375, §725(c)(3), substituted “The Secretary of Defense shall determine, before the beginning of each fiscal year after September 30, 2005, the total amount of the Department of Defense contribution to be made to the Fund for that fiscal year for purposes of section 1116(b)(2).” for “(1) The Secretary of Defense shall determine each year, in sufficient time for inclusion in budget requests for the following fiscal year, the total amount of Department of Defense contributions to be made to the Fund during that fiscal year under section 1116(a) of this title.”, redesignated subpar. (A) as par. (1) and cls. (i) and (ii) as subpars. (A) and (B), respectively, of par. (1), redesignated subpar. (B) as par. (2) and cls. (i) and (ii) as subpars. (A) and (B), respectively, of par. (2), substituted “paragraph (1)(B)” for “subparagraph (A)(ii)” in par. (2)(B), and struck out former par. (2) which read as follows: “The amount determined under paragraph (1) for any fiscal year is the amount needed to be appropriated to the Department of Defense (or to the other executive department having jurisdiction over the participating uniformed service) for that fiscal year for payments to be made to the Fund during that year under section 1116(a) of this title. The President shall include not less than the full amount so determined in the budget transmitted to Congress for that fiscal year under section 1105 of title 31. The President may comment and make recommendations concerning any such amount.”

Subsec. (c)(1). Pub. L. 108-375, §725(c)(4), struck out “and section 1116(a) of this title” after “subsection (b)” in concluding provisions.

Subsec. (c)(5). Pub. L. 108-375, §725(c)(5), substituted “1116” for “1116(c)”.

2003—Subsec. (a). Pub. L. 108-136, §722(c), substituted “section 1116(c) of this title” for “section 1116(b) of this title”.

Subsec. (c)(1). Pub. L. 108-136, §722(a), inserted at end of concluding provisions “The Secretary of Defense may determine a separate single level dollar amount under subparagraph (A) or (B) for any participating uniformed service, if, in the judgment of the Secretary, such a determination would produce a more accurate and appropriate actuarial valuation for that uniformed service.”

Subsec. (c)(1)(B). Pub. L. 108-136, §1045(a)(3), substituted “(other than members)” for “and other than members”.

Subsec. (c)(5). Pub. L. 108-136, §722(c), substituted “section 1116(c) of this title” for “section 1116(b) of this title”.

2001—Subsec. (a). Pub. L. 107–107, §711(b)(3)(A), inserted “participating” before “uniformed services”.

Subsec. (b)(1)(A)(ii), (B)(ii). Pub. L. 107–107, §711(b)(3)(B), inserted “under the jurisdiction of the Secretary of Defense” after “uniformed services”.

Subsec. (b)(2). Pub. L. 107–107, §711(b)(3)(C), inserted “(or to the other executive department having jurisdiction over the participating uniformed service)” after “Department of Defense”.

Subsec. (c)(1)(A), (B). Pub. L. 107–107, §711(b)(3)(D), inserted “participating” before “uniformed services”.

Subsec. (c)(2). Pub. L. 107–107, §711(e)(1), substituted “uniformed services retiree health care programs” for “Department of Defense retiree health care programs”.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109–364 effective with respect to payments under this chapter beginning with fiscal year 2008, see section 592(c) of Pub. L. 109–364, set out as a note under section 1111 of this title.

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108–375 effective Oct. 1, 2005, see section 725(d) of Pub. L. 108–375, set out as a note under section 1111 of this title.

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107–107 effective as if included in the enactment of this chapter by Pub. L. 106–398, see section 711(f) of Pub. L. 107–107, set out as a note under section 1111 of this title.

EFFECTIVE DATE

Pub. L. 106–398, §1 [[div. A], title VII, §713(b)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A–184, provided that: “Section 1115 of such title (as added by such subsection) shall take effect on October 1, 2001.”

§ 1116. Payments into the Fund

(a) At the beginning of each fiscal year after September 30, 2005, the Secretary of the Treasury shall promptly pay into the Fund from the General Fund of the Treasury—

(1) the amount certified to the Secretary by the Secretary of Defense under subsection (c), which shall be the contribution to the Fund for that fiscal year required by section 1115; and

(2) the amount determined by each administering Secretary under section 1111(c) as the contribution to the Fund on behalf of the members of the uniformed services under the jurisdiction of that Secretary.

(b) At the beginning of each fiscal year, the Secretary of Defense shall determine the sum of the following:

(1) The amount of the payment for that year under the amortization schedule determined by the Board of Actuaries under section 1115(a) of this title for the amortization of the original unfunded liability of the Fund.

(2) The amount (including any negative amount) of the Department of Defense contribution for that year as determined by the Secretary of Defense under section 1115(b) of this title.

(3) The amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary of Defense under section 1115(c)(2) of this title for the amortization of any cumulative unfunded liability (or any gain) to the Fund resulting from changes in benefits.

(4) The amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary of Defense under section 1115(c)(3) of this title for the amortization of any cumulative actuarial gain or loss to the Fund resulting from actuarial assumption changes.

(5) The amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary of Defense under section 1115(c)(4) of this title for the amortization of any cumulative actuarial gain or loss to the Fund resulting from actuarial experience.

(c) The Secretary of Defense shall promptly certify the amount determined under subsection (b) each year to the Secretary of the Treasury.

(d) At the same time as the Secretary of Defense makes the certification under subsection (c), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives the information provided to the Secretary of the Treasury under that subsection.

(Added Pub. L. 106–398, §1 [[div. A], title VII, §713(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–182; amended Pub. L. 107–107, div. A, title VII, §711(b)(4), (d), (e)(1), title X, §1048(a)(13), Dec. 28, 2001, 115 Stat. 1165, 1166, 1223; Pub. L. 107–314, div. A, title VII, §704(a), Dec. 2, 2002, 116 Stat. 2584; Pub. L. 108–136, div. A, title VII, §722(b), Nov. 24, 2003, 117 Stat. 1532; Pub. L. 108–375, div. A, title VII, §725(a), Oct. 28, 2004, 118 Stat. 1991.)

AMENDMENTS

2004—Pub. L. 108–375 reenacted section catchline without change and amended text generally. Prior to amendment, section related to, in subsec. (a), calculation of the Department of Defense monthly contribution to the Fund, in subsec. (b), separate calculation by a participating uniformed service, in subsec. (c), payments to the Fund at the beginning of each fiscal year by the Secretary of the Treasury, and, in subsec. (d), amounts paid into the Fund under subsec. (a) from the pay of members of the participating uniformed services.

2003—Subsec. (a). Pub. L. 108–136, §722(b)(1), substituted “the amount that, subject to subsection (b),” for “the amount that” in introductory provisions.

Subsecs. (b) to (d). Pub. L. 108–136, §722(b)(2), (3), added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

2002—Subsec. (c). Pub. L. 107–314 substituted “pay of members” for “health care programs”.

2001—Subsec. (a)(1)(A). Pub. L. 107–107, §711(e)(1), substituted “uniformed services retiree health care programs” for “Department of Defense retiree health care programs”.

Subsec. (a)(1)(B). Pub. L. 107–107, §711(b)(4), inserted “under the jurisdiction of the Secretary of Defense” after “uniformed services”.

Subsec. (a)(2)(A). Pub. L. 107–107, §711(e)(1), substituted “uniformed services retiree health care programs” for “Department of Defense retiree health care programs”.

Subsec. (a)(2)(B). Pub. L. 107–107, §1048(a)(13)(A), inserted an opening parenthesis before “other than for training”.

Pub. L. 107–107, §711(b)(4), (d)(1), inserted “under the jurisdiction of the Secretary of Defense” after “uniformed services” and struck out at end “Amounts paid into the Fund under this subsection shall be paid from funds available for the Defense Health Program.”.

Subsec. (b)(2)(D). Pub. L. 107–107, §1048(a)(13)(B), substituted “section 1115(c)(4)” for “section 111(c)(4)”.

Subsec. (c). Pub. L. 107–107, § 711(d)(2), added subsec. (c).

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108–375 effective Oct. 1, 2005, see section 725(d) of Pub. L. 108–375, set out as a note under section 1111 of this title.

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by section 711 of Pub. L. 107–107 effective as if included in the enactment of this chapter by Pub. L. 106–398, see section 711(f) of Pub. L. 107–107, set out as a note under section 1111 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 2002, see section 1 [[div. A], title VII, § 713(b)(1)] of Pub. L. 106–398, set out as a note under section 1113 of this title.

INAPPLICABILITY TO INDIAN HEALTH SERVICE

Pub. L. 108–7, div. F, title II, Feb. 20, 2003, 117 Stat. 261, provided in part: “That heretofore and hereafter the provisions of 10 U.S.C. 1116 shall not apply to the Indian Health Service”.

FIRST YEAR CONTRIBUTIONS

Pub. L. 107–107, div. A, title VII, § 711(g), Dec. 28, 2001, 115 Stat. 1167, provided that: “With respect to contributions under section 1116(a) of title 10, United States Code, for the first year that the Department of Defense Medicare-Eligible Retiree Health Care Fund is established under chapter 56 of such title, if the Board of Actuaries is unable to execute its responsibilities with respect to such section, the Secretary of Defense may make contributions under such section using methods and assumptions developed by the Secretary.”

§ 1117. Investment of assets of Fund

The Secretary of the Treasury shall invest such portion of the Fund as is not in the judgment of the Secretary of Defense required to meet current withdrawals. Such investments shall be in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of Defense, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of the Fund.

(Added Pub. L. 106–398, § 1 [[div. A], title VII, § 713(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–184.)

CHAPTER 57—DECORATIONS AND AWARDS

- Sec.
- 1121. Legion of Merit: award.
- 1122. Medal for Merit: award.
- 1123. Right to wear badges of military societies.
- 1124. Cash awards for disclosures, suggestions, inventions, and scientific achievements.
- 1125. Recognition for accomplishments: award of trophies.
- 1126. Gold star lapel button: eligibility and distribution.
- 1127. Precedence of the award of the Purple Heart.
- 1128. Prisoner-of-war medal: issue.
- 1129. Purple Heart: members killed or wounded in action by friendly fire.
- 1130. Consideration of proposals for decorations not previously submitted in timely fashion: procedures for review.
- 1131. Purple Heart: limitation to members of the armed forces.
- 1132. Presentation of decorations: prohibition on entering correctional facilities for presentation to prisoners convicted of serious violent felonies.

- Sec.
- 1133. Bronze Star: limitation on persons eligible to receive.
- 1134. Medal of honor: award to individual interred in Tomb of the Unknowns as representative of casualties of a war.
- 1135. Replacement of military decorations.

AMENDMENTS

- 2011—Pub. L. 111–383, div. A, title V, § 571(b), Jan. 7, 2011, 124 Stat. 4223, added item 1133 and struck out former item 1133 “Bronze star: limitation to members receiving imminent danger pay”.
- 2008—Pub. L. 110–417, [div. A], title V, § 571(b), Oct. 14, 2008, 122 Stat. 4472, added item 1135.
- 2004—Pub. L. 108–375, div. A, title V, § 561(b), Oct. 28, 2004, 118 Stat. 1918, added item 1134.
- 2003—Pub. L. 108–136, div. A, title X, § 1031(a)(10)(B), Nov. 24, 2003, 117 Stat. 1597, struck out “and recommendation” after “review” in item 1130.
- 2000—Pub. L. 106–398, § 1 [[div. A], title V, § 541(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A–114, added item 1133.
- 1998—Pub. L. 105–261, div. A, title V, § 537(b), Oct. 17, 1998, 112 Stat. 2019, added item 1132.
- 1997—Pub. L. 105–85, div. A, title V, § 571(a)(2), Nov. 18, 1997, 111 Stat. 1756, added item 1131.
- 1996—Pub. L. 104–106, div. A, title V, § 526(b), Feb. 10, 1996, 110 Stat. 314, added item 1130.
- 1993—Pub. L. 103–160, div. A, title XI, § 1141(b), Nov. 30, 1993, 107 Stat. 1757, added item 1129.
- 1985—Pub. L. 99–145, title V, § 532(a)(2), title XII, § 1225(a)(2)(B), Nov. 8, 1985, 99 Stat. 634, 730, inserted “disclosures,” and substituted “and” for “or” in item 1124, and added item 1128.
- 1984—Pub. L. 98–525, title V, § 553(b), Oct. 19, 1984, 98 Stat. 2532, added item 1127.
- 1966—Pub. L. 89–718, § 9, Nov. 2, 1966, 80 Stat. 1117, redesignated item 1124, added by Pub. L. 89–534, § 1(2), Aug. 11, 1966, 80 Stat. 345, as 1126.
- Pub. L. 89–534, § 1(2), Aug. 11, 1966, 80 Stat. 345, added item 1124, relating to eligibility for and distribution of gold star lapel button.
- Pub. L. 89–529, § 1(2), Aug. 11, 1966, 80 Stat. 339, added item 1125.
- 1965—Pub. L. 89–198, § 1(2), Sept. 22, 1965, 79 Stat. 831, added item 1124, relating to payment of cash awards for members of armed forces for suggestions, inventions, or scientific achievements.

PROMOTIONAL MATERIALS AND RECOGNITION ITEMS FOR PARTICIPANTS IN OPERATION ENDURING FREEDOM OR OPERATION IRAQI FREEDOM

Pub. L. 110–116, div. A, title VIII, § 8099, Nov. 13, 2007, 121 Stat. 1337, provided that: “Hereafter, the Secretary of Defense may present promotional materials, including a United States flag, to any member of an Active or Reserve component under the Secretary’s jurisdiction who, as determined by the Secretary, participates in Operation Enduring Freedom or Operation Iraqi Freedom, along with other recognition items in conjunction with any week-long national observation and day of national celebration, if established by Presidential proclamation, for any such members returning from such operations.”

REPORT ON DEPARTMENT OF DEFENSE PROCESS FOR AWARDING DECORATIONS

Pub. L. 109–364, div. A, title V, § 557, Oct. 17, 2006, 120 Stat. 2219, provided that:

“(a) REVIEW.—The Secretary of Defense shall conduct a review of the policy, procedures, and processes of the military departments for awarding decorations to members of the Armed Forces.

“(b) TIME PERIODS.—As part of the review under subsection (a), the Secretary shall compare the time frames of the awards process between active duty and reserve components—

“(1) from the time a recommendation for the award of a decoration is submitted until the time the award of the decoration is approved; and